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it would provide a greater degree of flexibility for future power that might be desirable in the commissioners. Obviously flexibility is a worthwhile objective and certainly the Committee could recommend, and we could have adopted, a provision that would simply establish the Court of Appeals and such other courts as the legislature might wish to enact. Having to pass that pinnacle of flexibility, we are now faced with every second on reaching some sort of compromise between flexibility on one hand and reasonable restriction on the other.

It occurred to me in this case that if the commissioner is given the total power or possibility of total power, this amendment would have his office become the dumping spot for every undesirable function of the district court. We would be faced not with a four-tier system of courts, but a five-tier in which the commissioner becomes all the things he is under the Committee Recommendation plus all those things which the district courts usually give him in terms of master or terms of other specialty functions which he should not have and which I feel he should be restricted from having.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Storm.

DELEGATE STORM: I have an inquiry.

THE CHAIRMAN: Is there any delegate who desires to speak in favor first?

Delegate Hardwicke.

DELEGATE HARDWICKE: Mr. Chairman, I desire to speak in favor of the amendment.

THE CHAIRMAN: You may proceed.

DELEGATE HARDWICKE: It seems to me when we voted a moment ago to cause these commissioners to be appointed by the court that implicit in our decision was the fact that we were going to get better people in this job.

If we are going to get better people in the job, then the amendment is in order because people who are saying these commissioners have been poor in the past or magistrates have been poor in the past are not speaking to the new concept of the commissioner, who will be court-appointed.

Furthermore, the powers will be according to the amendment as prescribed by rule. In other words, one individual judge is not

going to be able to extend this power. It will be done by rules of court. Consequently, it seems to me that that gives ample protection.

One further point. We are trying to write a timeless constitution. The limitations of warrants for arrest, collateral, incarceration, these concepts will keep our constitution from being timeless and we will have to amend the constitution with this kind of language in it from time to time.

So I urge you ladies and gentlemen, if we are creating an improvement here, then why not permit the persons who will occupy this office to perform fully as the times will demand over the coming generations?

THE CHAIRMAN: The Chair recognizes Delegate Storm to post a question to Delegate Mudd if he will yield.

DELEGATE MUDD: I yield, Mr. Chairman.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Chairman Mudd, who may prescribe by rule if this amendment is adopted?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: The Court of Appeals.

THE CHAIRMAN: Delegate Storm.

DELEGATE STORM: Am I correct then in assuming only the Court of Appeals may prescribe this by rule?

THE CHAIRMAN: Delegate Mudd.

DELEGATE MUDD: Yes, consistent with section 5.31 of our recommendations.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Delegate Weidemeyer.

DELEGATE WEIDEMEYER: I want to speak against the amendment.

THE CHAIRMAN: Just a second.

Does any other delegate desire to speak in favor?

Delegate Gilchrist.

DELEGATE GILCHRIST: Mr. Chairman, it would seem to me that the least we can do this afternoon is be consistent. We have consistently said that the authority ought to be given to the Court of Appeals to do this, to do that, on the highest levels